

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHIRLEY L. PHELPS-ROPER,     )  
  )  
          Plaintiff,                )  
  )  
          vs.                        )  
  )  
CITY OF PEVELY, MISSOURI,     )  
  )  
          Defendant.             )

Case No. 4:09CV1299 RWS

**MEMORANDUM AND ORDER TO SHOW CAUSE**

Defendant has failed to file an opposition to plaintiff's second motion for partial summary judgment, and its time for doing so expired long ago. Apparently defense counsel also refuses to participate in the preparation of a joint proposed scheduling plan, contrary to my Order dated November 3, 2009 and the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that the **Rule 16 conference, currently set for December 21, 2009, is vacated.**

**IT IS FURTHER ORDERED** that **defendant shall file its opposition to plaintiff's second motion for partial summary judgment by December 24, 2009, or it will be ruled as unopposed.**

**IT IS FURTHER ORDERED** that **defendant shall show cause in writing**

by December 24, 2009 why sanctions, including default judgment, should not  
issue for defendant's failure to comply with my November 3, 2009 Order.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 16th day of December, 2009.